

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

Docket No. 11-0215

In re: Jeff Hayes,
d/b/a Rockin 2H Farms,

Respondent

Default Decision and Order

This proceeding was instituted under the Packers and Stockyards Act (7 U.S.C. § 181 et seq.) (“Act”), by a Complaint filed on May 4, 2011, by the Administrator, Grain Inspection, Packers and Stockyards Administration (GIPSA), United States Department of Agriculture, alleging that the Respondent willfully violated the Act. The Complaint and a copy of the Rules of Practice Governing Formal Adjudicatory Administrative Proceedings Instituted by the Secretary Under Various Statutes (7 C.F.R. § 1.130 *et seq.*) (Rules of Practice) were mailed to the Respondent via certified mail on May 6, 2011. The delivery receipt indicates Respondent received the Complaint on May 9, 2011.

As Respondent failed to file an answer within the time period required by the Rules of Practice (7 C.F.R. § 1.136), the following Findings of Fact, Conclusions of Law and Order will be entered pursuant to section 1.139 of the Rules of Practice (7 C.F.R. § 1.139).

Findings of Fact

1. Respondent Jeff Hayes (Respondent) is an individual whose mailing address is in the State of Indiana.
2. At all times material to this Decision, Respondent was:

- a. Engaged in the business of buying and selling livestock in commerce as a dealer for his own account; and
- b. Was not registered with the Secretary of Agriculture as a dealer or market agency under the Act.

3. Respondent, on or about the dates and in the four transactions set forth below, failed to pay the full purchase price of livestock to John A. Birdsong of Carrolton, Georgia, in the total amount of \$13,522.00.

Purchase Date	No. of Head	Livestock Amount	Amount Remaining Unpaid
03/14/2010	22	\$2,669.00	\$550.00
03/15/2010	41	\$6,865.00	\$6,865.00
03/20/2010	27	\$2,875.00	\$2,875.00
03/22/2010	23	\$3,232.00	\$3,232.00
Totals	113	\$15,641.00	\$13,522.00

4. On April 17, 2010, Respondent purchased 27 horses from KM Auction Junction of Vienna, Missouri, for a total purchase price of \$6,930.00. At the time of purchase, Respondent delivered a check for the full purchase price which was returned by the bank on which it was drawn because there were insufficient funds on deposit and available in the account upon which it was drawn when the check was presented for payment. Respondent has made single payment of \$2,500.00 against this debt, and \$4,430.00 of the livestock amount remains unpaid.

5. On March 26, 2010, Respondent was notified by a letter from the Midwestern Regional Office of the Grain Inspection, Packers and Stockyards Administration (GIPSA) that Respondent was required to be registered and bonded under section 303 of the Act (7 U.S.C. § 203).

6. Respondent has submitted a bond effective April 26, 2010, and an application, dated July 1, 2010, for registration under the Act. As Respondent has failed to answer the Complaint in this

matter, Respondent is unfit to engage in the activity for which application has been made, and the application for registration is denied.

Conclusions of Law

1. The Secretary has jurisdiction in this matter.
2. Respondent willfully violated sections 312(a) and 409 of the Act (7 U.S.C. §§ 213(a), 228b).
3. Respondent is unfit to be registered as a dealer under section 303 of the Act (7 U.S.C. §203), and his application for registration is denied pursuant to section 201.10(b) of the regulations (9 C.F.R. § 201.10(b)).

Order

1. Respondent, his agents and employees, directly or through any corporate or other device, in connection with his activities subject to the Act, shall cease and desist from:
 - a. operating subject to the Act without registration;
 - b. failing to pay the full amount of the purchase price for livestock within the time period required by the Act and the regulations promulgated under it.
2. Respondent is assessed a civil penalty in the amount of twelve thousand dollars (\$12,000) pursuant to section 203(b) of the Act (7 U.S.C. § 193(b)). Payment shall be made by certified check or money order payable to “United States Department of Agriculture” and sent to:

USDA-GIPSA
P.O. Box 790335
St. Louis, Missouri 63179-0335

Transmittal documents shall indicate that the payment is in connection with Docket No. 11-0216.

3. This decision shall become final and effective without further proceedings thirty-five days (35) after service on Respondent, if it is not appealed to the Judicial Officer by a party to

the proceeding within thirty (30) days, pursuant to section 1.145 of the Rules of Practice (7 C.F.R. § 1.145).

Copies of this Decision and Order shall be served on the parties by the Hearing Clerk.

October 14, 2011

Peter M. Davenport
Chief Administrative Law Judge